

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

*Ex parte* YUTAKA NAKATSU, SHIN IIMA, KAYOKO OHYOSHI, and  
TOMOMI NAKAMURA

Application 08/610,758  
Technology Center 2600



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on August 24, 2006. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below:

This is the second "Order Returning Undocketed Appeal to Examiner" (Order). The first Order, mailed November 30, 2005, included the instruction for the Examiner to consider the Information Disclosure Statement (IDS) submitted to the USPTO on Feb. 17, 2004. It is clear from the record that the Examiner still has not considered this IDS. It is imperative that the IDS be considered before any further prosecution ensues before the BPAI.

Application 08/610,758

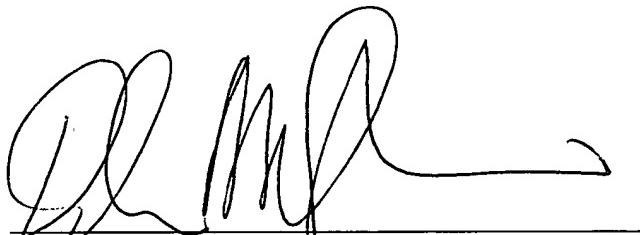
Accordingly, it is

**ORDERED** that the application is returned to the Examiner:

- (1) to consider the IDS received February 17, 2004;
- (2) to mail Appellants a copy of said consideration (PTO-1449); and
- (3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

A handwritten signature in black ink, appearing to read "DALE M. SHAW", is written over a horizontal line.

DALE M. SHAW  
Deputy Chief Appeals Administrator  
(571) 272-9797

RONALD P. KANANEN  
RADER, FISHMAN & GRAUER, P.L.L.C.  
1233 20TH STREET, N.W. SUITE 501  
WASHINGTON, DC 20036

DMS:hh